REMARKS

Upon entry of this amendment, claims 1-14 and 17 are pending. By the present amendment, claim 17 has been amended for clarity. Favorable reconsideration of the application is respectfully requested.

The rejection of claim 17 under 35 U.S.C. §112, second paragraph is respectfully traversed. Claim 17 has been amended to correct the typographical informality noted in the Office Action. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

The rejection of claims 1, 7, 8, 11-14 and 17 under 35 U.S.C. §102(b) over Callon (U.S. Patent No. 5,583,862) is respectfully traversed. Without acquiescing in the rejection, it is noted that claim 17 has been amended to correct a typographical informality. Accordingly, the rejection will be discussed with respect to the claims as amended.

Callon is directed to a routing protocol for identifying reachability of routers that are announcing reachability to a desired destination *network*. Callon deals with the specific situation where some of the available networks are real physical networks and some are virtual networks. In this regard, Callon appears to address the problem of inefficient data transmission, in which data is transmitted to both the physical network and the virtual network because both of them are reporting the same reachability information. However, there is an underlying

7

assumption in Callon that at least one network is currently connected to the intended destination of the data packet. Therefore, it is clear that Callon is not concerned with the problems addressed in the instant application and does not solve the problems identified therein. The reference in the Office Action to "mobile nodes" in this regard is misplaced. The mobile end stations to which Callon refers in Column 2, are being described to provide a background for a virtual network. Specifically, Callon teaches that it is convenient for such mobile end stations to maintain a single virtual address which other end stations or node can use to reach it.

In contrast to the characterization in the Office Action, what Callon is actually directed to is set forth in Col. 2, line 34 - Col. 3, line 49, wherein Callon states that the problem is identifying which routers are in communication with all nodes of a *network*, and the inefficiencies attendant therewith. The solution provided by Callon is to establish a routing mechanism that supports an interconnected series of networks wherein some networks comprise subnetworks that are distributed over a virtual network, thus providing efficient routing in an internetwork environment including virtual networks. It is respectfully submitted that Callon is entirely inapposite the pending claims and therefore inapplicable.

In particular, the disclosure of the instant application is directed to the situation where the destination *terminal* in a mobile communications network is

8

currently not connected to any data network at all. Thus, far from the data being delivered by two or more different routes to the same destination, there is a danger that the data will fail to be delivered at all. The disclosure of the instant application addresses this situation by setting up a "proxy" address to which data is sent when the intended destination cannot be located. Such a situation may arise with a mobile communications *terminal* (e.g., a mobile phone, wireless mobile device such as a Blackberry ®, mobile peer-to-peer device, etc.) is switched off or not in communications range of any suitable base station.

According to the claimed invention, data is stored in an alternative location, e.g., a proxy terminal, until the mobile terminal is available to receive data messages, at which point any message intended for the terminal and currently held at the alternative location or proxy terminal is forwarded to the main terminal.

There is no teaching or suggestion of the specifically recited features of the claimed invention in Callon. At the outset, it is noted that the reachability information referred to in Callon is for an entire *network*, not an individual node or terminal of the network. Additionally, the manner in which the Office Action applying what is being taught at Columns 3 and 4 of the Callon reference is not correct. Callon, at Columns 3 and 4 refers to whether a network is directly reachable or whether it is a virtual network only partially connected to the router. It should be understood that in both cases the network is reachable – albeit

indirectly in one case. Moreover, Callon fails to discuss the possibility that a mobile node to which the data is directed is not reachable. There is no mention in Callon as to how data is to be handled in the situation where a mobile node is not reachable. The disclosure at Columns 6 and 7 and Figures 4 and 5 ony cover the possibilities of directly reachable destinations and "addresses served" destinations. There is not teaching or suggestion of setting an alternative destination when there is an indication that the mobile node to which the data is directed is not reachable, as specifically set forth in exemplary claims.

In complete contrast and distinction, the claimed method and apparatus provide an alternative destination or proxy in which the message is stored temporarily, and this proxy is only provided when required (e.g., when the target user is unreachable). This arrangement is much more appropriate in systems, for example, the Internet, which use peer-to-peer arrangements. Accordingly, in such an exemplary system, the user's home agent sets the destination to which the received data is to be sent only when reachability information indicates that the mobile node is unreachable. If the mobile node is reachable, the data is not sent to that intermediate destination, but is sent directly to the target mobile node, and not through a central service center.

It is axiomatic that in order for a reference to anticipate a claim, the reference must disclose each and every feature of the claim. As set forth above,

10

Callon fails to disclose each and every feature of the claimed invention. For example, there is no disclosure in Callon of the feature of providing an alternative (e.g., proxy) destination for data only when the target mobile user is unreachable. Therefore, Callon fails to anticipate the claimed invention. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

The rejection of claims 2-4 under 35 U.S.C. §103(a) over Callon in view of Kulkarin (U.S. Patent No. 5,862,481) is respectfully traversed.

It is respectfully submitted that Kulkarin fails to overcome the fundamental deficiencies noted above with respect to Callon. Therefore, even if, *arguendo*, the combination of Callon and Kulkarin were proper, the combination nevertheless fails to render the claimed invention obvious. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

The rejection of claims 5, 6, 9 and 10 under 35 U.S.C. §103(a) over Callon in view of Malkin (U.S. Patent No. 6,061,650) is respectfully traversed.

It is respectfully submitted that Malkin fails to overcome the fundamental deficiencies noted above with respect to Callon. Therefore, even if, *arguendo*, the combination of Callon and Malkin were proper, the combination nevertheless fails to render the claimed invention obvious. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.
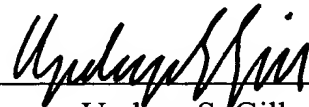
11

In view of the foregoing, it is respectfully submitted that the entire

application is in condition for allowance. Favorable reconsideration of the

application and prompt allowance of the claims are earnestly solicited.

Should the Examiner deem that further issues require resolution prior to

allowance, the Examiner is invited to contact the undersigned attorney of record at

the telephone number set forth below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____

Updeep S. Gill

Reg. No. 37,334

USG:jsm
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100